IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1057 OF 2005

Ujwal Suryabhan Athare (Patil). ...Petitioner.
Versus
Dr.Asha Ravindra Paranjape. ...Respondent.

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Mr. P. S. Dani for the Petitioner.
Ms. Monica D'Souza for the Respondent.

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CORAM : DR. D.Y. CHANDRACHUD, J.

August 30, 2005.

P.C.:

By the impugned order dated 27th October 2004, the Additional District Judge, has affirmed the order of the Small Causes Court striking out the defence of the Petitioner. Counsel appearing on behalf of the Respondent has, on instructions from the Respondent, stated before the Court that the Respondent has no objection to the setting aside of the impugned order conditional on the Petitioner depositing the entire amount of arrears of compensation computed at the rate of Rs.10,000/- per month from April 2000 to July 2005. It is common ground, that the application

filed by the Petitioner for fixation of standard rent, M.A. 87 of 2000, has been dismissed in default. In these circumstances, it is only appropriate and proper that the order of the Learned Trial Judge dated 11th August 2002 is complied with, this order being in accordance with the provisions of Order 15A of the Code of Civil Procedure, 1908. Leaned Counsel are agreed that no further reasons may be indicated by the Court for this order. In these circumstances, the orders of the Learned Trial Judge dated 11th August 2004 and of the Additional District Judge, dated 27th October 2004 are quashed and set aside conditional on the Petitioner depositing the entire amount of arrears of compensation computed at the rate of Rs.10,000/- per month for the period from April 2000 to July 2005 in three equal monthly instalments, the first of which shall be deposited on or before 9th September 2005, the second on or before 15th October 2005 and the third on or before 16th November 2005. It is clarified that in the event that there is any single default in the payment of the installments or a part thereof, this order shall stand vacated without further reference to the Court and the orders passed by the Courts below shall become operative forthwith. The Petitioner shall continue to pay the compensation at the rate of Rs.10,000/- per month during the

pendency of the proceedings.

The petition is accordingly disposed of in the aforesaid terms.

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